IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13070 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL RAKESHKUMAR RAMESHBHAI

Versus

REGIONAL PASSPORT AUTHORITY

Appearance:

1. Special Civil Application No. 13070 of 2003

MR AM PAREKH for Petitioner No. 1

MR NJ SHAH for MR DN PATEL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 05/09/2003

ORAL JUDGEMENT

Rule. Learned advocate Shri N.J. Shah appearing for Senior Standing Counsel Shri D.N. Patel waives service of rule.

At the request of the learned advocates, the petition is finally heard today.

The grievance which the petitioner has ventilated in this petition is with regard to the non-consideration of his application dated 28.08.2003 submitted to the respondent - authority for issuance of a new passport with changed place of birth.

2. Learned advocate Shri Parekh appearing for the petitioner has submitted that because of some mistake, place of birth has been incorrectly recorded in the passport issued to the petitioner and, therefore, the petitioner had submitted an application dated 28.08.2003 alongwith the relevant evidence to show that his correct place of birth is different one. His apprehension is that the application might not be entertained by the respondent - authority without direction from this Court.

3. In my opinion, the apprehension is not well founded because the respondent - authority is bound to take action in pursuance of the said application. I am sure, that the respondent - authority shall look into the matter in accordance with law and shall take appropriate decision. As the respondent - authority has to do the entire exercise only on account of some mistake committed by the petitioner, the petitioner shall pay a sum of Rs.3,000=00 to the respondent - authority by way of costs. It is clarified that no observation is made on the merits of the case, so it will be open to the respondent - authority to take appropriate decision on merits after considering the documents presented to the authority.

In view of the above observation, learned advocate Shri Parekh seeks permission to withdraw this petition. Permission is granted. The petition stands disposed of as withdrawn. Rule is discharged subject to the above observation.
Direct Service is permitted.

[A.R. DAVE, J.]

/phalguni/